



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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<http://www.epa.gov/region08>

Ref: 8EPR-EP

Steven M. Pirner, Secretary
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: TMDL Approvals
Lake Alvin
Cottonwood Lake
Lake Louise
Lake Oliver

Dear Mr. Pirner:

We have completed our review of the total maximum daily loads (TMDLs) as submitted by your office for the waterbodies listed in the enclosure to this letter. In accordance with the Clean Water Act (33 U.S.C. 1251 *et. seq.*), we approve all aspects of the TMDLs as developed for the water quality limited waterbodies as described in Section 303(d)(1).

Based on our review, we feel the separate TMDL elements listed in the enclosed review table adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety. Please find enclosed a detailed review of these TMDLs.

For years, the State has sponsored an extensive clean lakes program. Through the lakes assessment and monitoring efforts associated with this program, priority waterbodies have been identified for cleanup. It is reasonable that these same priority waters have been a focus of the Section 319 nonpoint source projects as well as one of the priorities under the State's Section 303(d) TMDL efforts.

In the course of developing TMDLs for impaired waters, EPA has recognized that not all impairments are linked to water chemistry alone. Rather, EPA recognizes that "*Section 303(d) requires the States to identify all impaired waters regardless of whether the impairment is due to toxic pollutants, other chemical, heat, habitat, or other problems.*" (see 57 Fed. Reg. 33040 for July 24, 1992). Further, EPA states that "*...in some situations water quality standards – particular designated uses and biocriteria – can only be attained if nonchemical factors such as*



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hydrology, channel morphology, and habitat are also addressed. EPA recognizes that it is appropriate to use the TMDL process to establish control measures for quantifiable non-chemical parameters that are preventing the attainment of water quality standards.” (see Guidance for Water Quality-based Decisions: The TMDL Process; USEPA; EPA 440/4-91-001, April 1991; pg. 4). We feel the State has developed TMDLs that are consistent with this guidance, taking a comprehensive view of the sources and causes of water quality impairment within each of the watersheds. For example, in several of the TMDLs, the State considered nonchemical factors such as trophic state index (TSI) and its relationship to the impaired uses. Further, we feel it is reasonable to use factors such as TSI as surrogates to express the final endpoint of the TMDL.

Thank you for your submittal. If you have any questions concerning this approval, feel free to contact Vernon Berry of my staff at 303/312-6234.

Sincerely,

Max H. Dodson
Assistant Regional Administrator
Office of Ecosystems Protection and
Remediation

Enclosure